

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIAM H. GORMAN,	:	
	:	
Petitioner,	:	
	:	Case Number: 1:03cv865-SJD
vs.	:	
	:	District Judge Susan J. Dlott
TIM BRUNSMAN, WARDEN,	:	
CHILLICOTHE CORRECTIONAL INSTITUTE,	:	
	:	
Respondent.	:	

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Timothy S. Black filed on May 8, 2006(Doc. 22), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired May 26, 2006, hereby ADOPTS said Report and Recommendations.

Accordingly, Petitioner's Petition for writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is DENIED with prejudice.

A Certificate of Appealability should not issue with respect to the constitutional claims alleged in the Petition, which this Court has concluded are barred from review on procedural statute of limitations and waiver grounds. Although "jurists of reason" may find it debatable whether the Court is correct in its procedural ruling on the statute of limitations issue under the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), "jurists of reason" would not find it debatable whether the Court is correct in its alternative procedural ruling on waiver grounds.

With respect to any application by Petitioner to proceed on appeal *in forma pauperis*, the Court CERTIFIES pursuant to 28 U.S.C. § 1915 (a)(3) that an appeal of any Order adopting this Report and Recommendations will not be taken in “good faith,” therefore, DENYING Petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. See Fed.R. App. P. 24 (a); *Kincade v. Sparkman*, 117 F.3d 939, 952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge